



BELLA VISTA

A place to call home

DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES
616 W. LANCASHIRE BLVD.
BELLA VISTA, AR 72715

BOARD OF ZONING ADJUSTMENTS REGULAR MEETING

DATE: SEPTEMBER 20, 2016 AT 7:00 P.M.
LOCATION: BELLA VISTA CITY HALL CONFERENCE ROOM
101 TOWN CENTER
BELLA VISTA, AR 72714

AGENDA

I. CALL TO ORDER

II. ROLL CALL

Members: Robert Walker, Chairman; Linda Lloyd, Vice-Chairman/Secretary; AJ Morris;
Harry Newby; Thomas Carney; Charles Whittenberg; and Larry Wilms.

III. MINUTES

A. Minutes from previous meeting: August 16, 2016

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

A. **ZVR-2016-24011**; Variance of Municipal Code 107-317(d) to allow a second driveway
on a lot with less than the required street frontage; Parcel 16-15295-000; 20 Foster Lane;
Rubianne Rubio

VI. OPEN DISCUSSION

VII. ANNOUNCEMENTS

- A. Next City Council Regular Session will be held on Monday, September 26, 2016, at 6:30 PM in the Bella Vista American Legion Hall at 1889 Bella Vista Way.
- B. Next Planning Commission Work Session will be held on Thursday, September 29, 2016, at 4:30 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- C. Next Planning Commission Regular Session will be held on Monday, October 10, 2016, at 6:30 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- D. Next Board of Construction Appeals meeting is scheduled for Tuesday, October 11, 2016, at 3:00 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- E. Next City Council Work Session will be held on Monday, October 17, 2016, at 5:30 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- F. Next Board of Zoning Adjustment meeting is scheduled for Tuesday, October 18, 2016, at 7:00 PM in the Bella Vista City Hall Conference Room at 101 Town Center.

VIII. ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

7:00 P.M.

TUESDAY, SEPTEMBER 20, 2016

Board of Zoning Adjustment Regular Meeting

DATE: AUGUST 16, 2016
LOCATION: COMMUNITY DEVELOPMENT SERVICES CONFERENCE ROOM
616 W. LANCASHIRE BOULEVARD
BELLA VISTA, ARKANSAS 72715

MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairman Walker at 7:00 PM.

II. ROLL CALL

Members present: Robert Walker, Chairman; Linda Lloyd, Vice-Chairman/Secretary; Doug Farner; Harry Newby; Charles Whittenberg.

Members absent: Thomas Carney; AJ Morris.

III. CONSIDERATION OF MINUTES

A. Regular Meeting Minutes – May 17, 2016.

1. Mr. Wilms said #6 under Consideration of Minutes needs to be amended to reference "fence height" because it doesn't quite make sense.
2. Ms. Bonner said Staff will amend the sentence in question to read, "On the fencing code, one recommendation is to allow fencing in the front yard, and another would increase the current fence height from 36" to 48" for parcels under 1 acre in area."

On a motion by Mr. Newby and a second by Ms. Lloyd, the May minutes were approved with the corrections by voice vote.

IV. UNFINISHED BUSINESS

None.

V. PUBLIC INPUT

None.

VI. NEW BUSINESS

A. Introduction of New Member Larry Wilms.

1. Ms. Bonner said Mr. Wilms is with Centerton Planning, so he has planning experience. Also, when replying to emails, please reply to me instead of "reply all." Mr. Wilms received a couple of emails that should have come to me.
2. Chairman Walker said if we "reply to all," that constitutes a meeting. We need to be careful of this, and potential FOIA requests.
3. Ms. Bonner said yes, so you should just click "reply" instead of "reply to all."

B. Introduction of Ms. Sarah Bingham.

Board of Zoning Adjustment

Regular Meeting

1. Ms. Bonner said I would also like to introduce Ms. Bingham, who is an assistant planner with the City. In some cases you will deal with her now instead of me. We both do planning, so Ms. Bingham will be around to help with questions that come in from the public, or this board as well.

VII. OPEN DISCUSSION

A. *Code Changes: Fences and Accessory Structures at City Council; and Legal Notifications at City Council.*

1. Ms. Bonner said the Board had put some recommendations on code changes together, which went to the Planning Commission to review, then on to City Council. Unfortunately, City Council had some issues that arose. Director Suneson put the changes on fences and accessory structures together in a single resolution, and City Council has been sitting on it for eight months. What is expected at next week's meeting is that City Council will separate each of the items, and the fence recommendations will get approved, but the accessory structures portion of that will be dropped. Mayor Christie will figure out what to do from there. He could create a committee from the community, or a committee that reviews every application. We will have to wait and see what he gets figured out.
2. Mr. Whittenberg said what if I came in with storage shed application tomorrow. Ms. Bonner said right now the rules are the same as they were a year ago. You would have to meet building codes and building setbacks. As long as you meet those criteria, that is all we would review against right now – even if it was 40' tall.
3. Chairman Walker said this has really been annoying people. The lack of tenacity on the part of the City planners.
4. Ms. Bonner said Staff had come up with a couple different solutions.
5. Ms. Lloyd said the City planners isn't who has been causing the problem. I have been attending all of the City Council meetings and work sessions, and I was at the meeting last night. I just about fell off of my chair at what was suggested. Apparently, there was a meeting between City Council and the ACC (Architectural Control Committee), and they got off into saying that the ACC should be taking care of the accessory structures. I was sitting there with my mouth hanging open. We can't depend on the ACC because they are not a public organization, and they are not dependable; it changes from day-to-day. We need to worry about what the City wants, and what the City wants to enforce. I really think that since the makeup of City Council has changed with Mr. Larry King resigning, I believe it would have been easier to pass an ordinance. However, Staff has expressed that there are some issues with the current ordinance being almost unenforceable because of how it is written. I understand that there are some issues.
6. Mr. Newby asked if a successor has been appointed to serve out Mr. Larry King's term.
7. Ms. Lloyd said City Council decided since elections are in November, they don't want to appoint somebody. If they appoint someone now, that person may get to run with "Alderman" next to their name. Since there's only two months until the elections, they are going to wait and see who wins Ward 3, then vote to seat that person two months early.
8. Chairman Walker asked if Alderman Wilson is still active. Ms. Lloyd said yes. There is one seat up for election in each ward. Alderman Wozniak is re-running for Ward 2. Mr. Rory Crivello is running for Ward 3. Mr. Jerry Snow and myself have filed for Ward 1. I'm not sure who else has signed up to run. The filing deadline is Friday at noon, so we will know for sure who's running after that.

Board of Zoning Adjustment

Regular Meeting

9. Ms. Lloyd said Staff has been working hard on this, and has tried to respond to what they've been requested to do.
 10. Mr. Newby asked who isn't rerunning. Ms. Lloyd said Alderman Morgan isn't running again for Ward 1. Ward 3 is where Mr. Allen King sat, but has moved out of town.
 11. Ms. Bonner said the other item on the agenda that is at City Council is the legal notification requirement changes. These changes don't really affect this Board. I just wanted you to be aware that these changes are occurring. When the City was first formed, there was no budget to work with. So, we placed the burden on the applicant to mail the notifications via certified mail to property owners within 400', place a sign in the yard, and a publication in the newspaper. We are changing those so that the sign in the yard and publication in the newspaper will be by City Staff. The notification by mail is going to be changed from 400' of the boundary of the property down to 200'. This will significantly reduce the cost expense for the owners. We did a comparison of our neighboring cities, and 200' is the standard radius for sending out certified letters. These changes are on the first reading at City Council, so it could be another two months before they are voted on. Then it will be sixty days after that before the changes would take effect.
 12. Chairman Walker asked where City Council is on the fence height requirements. Ms. Bonner said I think they are looking at increasing the height to 48", removing the authorization for Staff to administratively increase the height, and eliminating front yard fences. There have been a few revisions to the fence recommendations, so I'm not 100% clear on which version they are looking at.
 13. Ms. Lloyd said I think the amendments City Council is looking at right now would allow front yard fences.
 14. Mr. Whittenberg asked if people will still be able to come to the BZA for a variance. Ms. Bonner said yes.
 15. A discussion continued on fence colors.
- B. *Review of the Board of Zoning Adjustment's Review Criteria.*
1. Ms. Bonner said the last page in the packet has the variance review criteria, which is how the applicant sees the questions. I copied the page right out of the application. The pages printed in color are how it appears to the Board. The previous times we've actually had to go through these questions for a variance request, we had the triple negative questions. We now have positive questions so that a vote of "no" is definitely a no, and a vote of "yes" is definitely a yes. You only have to have one yes or no in order to either grant or deny a request, but it is not a requirement that you grant or deny based on that yes or no. It does give the Board grounds for granting a request or denying a request.
 2. Ms. Lloyd said the questions don't all have to be answered one way for an approval or denial. Ms. Bonner said that is correct. You just need to decide as a group what the answer is to each of the eight questions, and then decide.
 3. Chairman Walker said that sounds very simple.
 4. Mr. Wilms said typically, the Board of Zoning Adjustments that I've worked with had five parameters.
 5. Ms. Bonner said what I have done is split these questions out a little more specifically in an attempt to get rid of the triple negatives that we had in the criteria.
 6. Chairman Walker said just so I am clear on this, regardless of whether we answer the questions yes or no, it's up to us as a group whether we approve or deny a request. Ms. Bonner said that is correct.

Board of Zoning Adjustment

Regular Meeting

7. Ms. Lloyd said this will allow us to weight the yeses and noes to make a decision.
8. Ms. Bonner said what we can do is read through each of the eight criteria tonight, and have a little bit of discussion on each one to make sure everyone understands what the question is asking.
9. Chairman Walker said Ms. Bonner to read through each question.
10. Ms. Bonner read through each of the 8 questions. A discussion continued on language revisions. The discussion resulted in the following changes:

Statement 1 will be changed to a question: *"Will the applicant(s) be deprived of rights commonly enjoyed by other properties in the same zoning district based upon the literal interpretation of the provisions and terms of the Municipal Code?"*

Statement 2 will be changed to a question: *"Do the applicant(s) have special conditions and/or circumstances which are peculiar to only this land, structure or building involved which are not applicable to others in the same zoning district?"*

Statement 3A will be changed to a question: *"Have the applicant(s) demonstrated that no special conditions and circumstances have resulted from their actions?"* Statement 3B will be changed to a question: *"If NO to 3A, does the proposed request meet the intent and requirements of the Code?"*

Statement 4 will be changed to a question: *"Have the applicant(s) shown that granting the variance requested does not confer on them any special privilege that is otherwise denied by the Code to others in the same zoning district?"*

Statement 5 will be changed to a question: *"Does the intent of the application request fall within the jurisdiction of the Board of Zoning Adjustment?"*

Statement 6 will be changed to a question: *"Have the applicant(s) shown that the variance requested is the minimum that will make possible the reasonable use of land, building or structure?"*

Statement 7 will be changed to a question: *"Have the applicant(s) shown that granting of the variance is in harmony with the spirit, general purpose and intent of the Code?"*

Statement 8 will be changed to a question: *"Will granting of the variance be injurious to the neighborhood or otherwise detrimental to the public's health, safety, or welfare?"*

11. Ms. Bonner said these questions can be used and tested at the September meeting for a variance request for a second driveway on a lot with less than 150' street frontage. A discussion continued on driveway widths, and the street frontage of 150' that is required for a second driveway on a single lot.

VIII. ANNOUNCEMENTS

- A. Next City Council work session will be held on Monday, August 15, 2016, at 5:30pm in the City Hall conference Room.
- B. Next City Council regular session will be held on Monday, August 22, 2016, at 6:30pm in the American Legion Hall at 1889 Bella Vista Way.
- C. Next Planning Commission work session will be held on Thursday, September 1, 2016, at 4:30pm in the City Hall Conference Room.

Board of Zoning Adjustment

Regular Meeting

- D. Next Planning Commission regular session will be held on Monday, September 12, 2016, at 6:30pm in the City Hall Conference Room.*
- E. Next Board of Construction Appeals meeting is scheduled for Tuesday, September 13, 2016, at 3:00pm in the City Hall Conference Room.*
- F. Next scheduled meeting of the Board of Zoning Adjustments is on Tuesday, September 20, 2016, at 7:00pm in the Bella Vista City Hall Conference Room.*

IX. ADJOURNMENT

The meeting was adjourned at 8:45 PM.

SUBMITTED BY:

Brenda Jorgensen
Administrative Assistant
Community Development Services Department

APPROVED AND ACCEPTED THIS 20TH DAY OF SEPTEMBER, 2016.

Robert Walker, Chairman
Bella Vista Board of Zoning Adjustment

Linda Lloyd, Vice-Chairman/Secretary
Bella Vista Board of Zoning Adjustment



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DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES
616 WEST LANCASHIRE BLVD.
BELLA VISTA, AR 72715

DATE: SEPTEMBER 20, 2016

TO: BOARD OF ZONING ADJUSTMENT; OWNER/APPLICANT

RE: **ZVR-2016-24011**

VARIANCE OF SECOND DRIVEWAY ADDITION

STAFF REPORT

Owner: Rubianne Rubio
20 Foster Ln
Bella Vista, AR 72715
Phone: 970-545-1699

Parcel: 16-15295-000
Location: Lot 10 Block 7
Hopeman Subdivision

Filing Date: July 28, 2016

Permit: ZVR-2016-24011

Request Description and Background: The applicant has requested a variance of Municipal Code §109-317(d) be granted to allow the addition of a second driveway to access the street right-of-way of Foster Lane. This variance request has come as the result of the code enforcement case number 9982, the details of which are attached to this staff report. This parcel has approximately 93 feet of street frontage. Code requires a minimum of 151 feet of street frontage to permit two access drives.

Legal Notifications: Municipal Code §109-42(c) requires the applicant to notify adjoining property owners and the public by three methods. These requirements are:

- **Publication of Legal Notice:** Staff received a copy of the affidavit of publication by email on August 30, 2016.
- **Adjacent Property Owners by Certified Mail:** Staff has received a copy of 32 green return receipts post-marked August 27, 2016. 30 green return postcards have been returned and 2 letters have been returned that were not able to be forwarded.
- **Sign Posted:** Staff confirmed placement of the required sign with a time-stamped photograph on September 13, 2016.

Zoning Map Analysis: The subject parcel is zoned R-1 (Single Family Residential) as well as all of the existing houses in this subdivision. There is also common property to the west of this property which is zoned P-1 (Open Space).

Land Use Plan Analysis: The Land Use Plan Map shows this area as Low Density Residential.

Master Street Plan Analysis: Foster Lane is shown as a Residential Street. It connects to Ardwell Rd which is classified as a sub-collector. A vicinity map showing the location of this parcel in relation to other major streets is attached to this staff report.

Variance Review Criteria: Municipal Code §109-42(d) provides several criteria by which the Board must evaluate a variance request and to determine whether to grant the requested variance. Following are the specific code sections with Staff analysis in **bold**.

1. Does the literal interpretation of the provisions of the Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Municipal Code?
No
2. Do special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structure or buildings in the same zoning district?

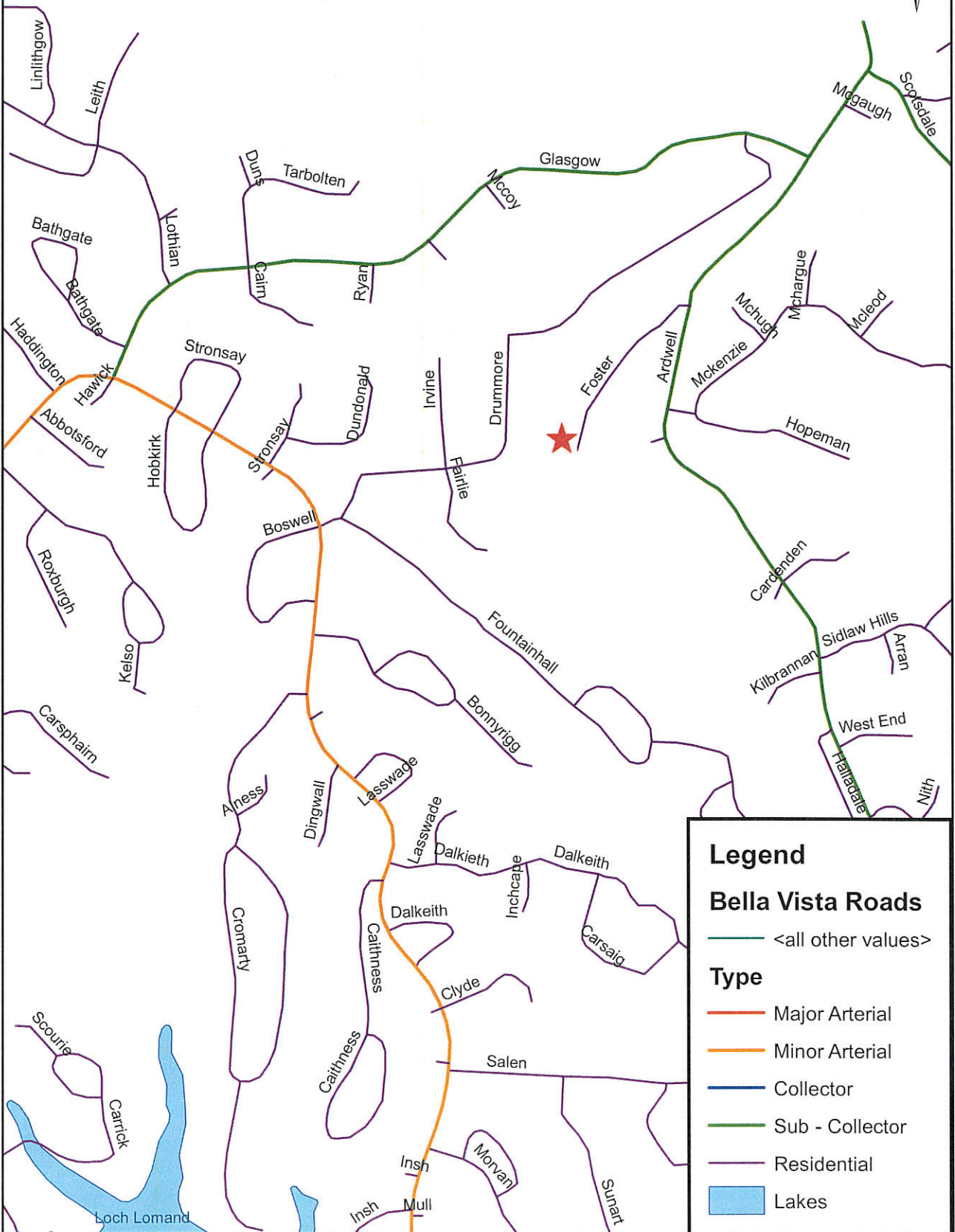
The power lines along the left property line prevent the existing driveway to be widened sufficiently.

3. Do special conditions and circumstances result from the actions of the applicant?
No
4. Does granting the variance requested confer on the applicant any special privilege that is denied by the Municipal Code to other lands, structures, or buildings in the same district?
Yes. Most lots have a similar street frontage of about 90 feet. However, there are a few property owners on Foster Lane that own multiple adjacent lots, giving them more street frontage than the single lot owners.
5. Is the variance request the minimum variance that will make possible the reasonable use of land, building or structure?
Yes. Per the approval of this variance, the driveway will continue to meet the rest of ordinances in Municipal Code Section 107-317. The distance between the adjacent driveway centerlines to the proposed driveway centerline will be greater than 25 feet.
6. Is the variance in harmony with the general purpose and intent of Municipal Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare?
If granted, the variance will not be detrimental to the health, safety, or welfare of the public or the neighborhood.

Public Input: The vacant lot property owners have offered no objection nor recommendation of this proposal; thereby, remaining neutral.

Staff Recommendation: Staff is recommending **disapproval** of this item because this parcel does not have more than 150 feet of street frontage.

Vicinity Map of 20 Foster Ln





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Case Information	
Date	5/2/2016
Case Number	9982
Complaint Taken By	Brenda
Caller Name	Anonymous
Caller Address	
Caller Phone	
Issue Reported	Several cars parked in right-of-way, on side of house, and around cul-de-sac. Multiple families living at this residence.
1st Complaint Code	201: Vehicle on non-paved, non-SB2 surface in residential area
2nd Complaint Code	
Complaint Address	20 Foster Ln
Complaint Name	
Complaint Phone	
General Location	West
Department	002: Code Enforcement
Status	004: Verbal Warning
Refereral to Outside Dept Date	
Scheduled Inspection Date	7/26/2016
Violations	Text
Assigned To	Michael Schorpp

Property Information	Owner Information
Parcel#: 16-15295-000 RUBIO, RUBIANNE RUBIO, RUBIANNE 20 FOSTER LN R-1, Residential, Single Family	RUBIO, RUBIANNE RUBIO, RUBIANNE 20 FOSTER LN BELLA VISTA, AR 72715-4814

Case History		
Date	Type	Description
5/2/2016	Activity	In person contact: Resident was bring in SB2 gravel over the top of deco gravel for on site parking. No secondary driveway needed.
7/25/2016	Activity	1st inspection: 2 calls today because of the cars in cul-de-sec 2 cars next to driveway.
7/25/2016	Note	Caller advised that people are parking again on the street and R.O.W. over-nite
7/26/2016	Activity	In person contact: R.O. spoke with w/f resident concerning illegal parking in the street and R.O.W. She immediately moved the vehicle to her driveway.
7/26/2016	Note	Advised resident that future parking problems would be handled by the police dept.

ZONING VARIANCE APPLICATION

A separate application form is required for each variance of the Municipal Code. Please fill out this form completely, supplying the necessary information and documentation to support your request. Your application will not be processed until the application is completed and the required documentation is provided. All application fees are non-refundable.



Fee: \$100.00 per request

MAIN CONTACT (select one):

☐ Applicant / Agent

☒ Owner

PROPERTY INFORMATION		
Property Address: 20 Foster Lane	Parcel #: 16-15295-000	
Lot: 10	Block: 7	Subdivision: Hope

OWNER INFORMATION			
OWNER CERTIFICATION: By my/our signature below, I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. Further, I/we authorize the agent, listed below, to represent me/us in proceedings with the City of Bella Vista regarding this application. (Please see reverse for more acknowledgements).			
Name: Rubianne Rubio	Owner Signature: [Signature]		
Mailing Address: 20 Foster Ln.	City: Bella Vista	State: AR	Zip: 72715
Phone: 478-545-1699	Phone:	Email: puralatina23@yahoo.com	
Name:	Owner Signature:		
Mailing Address:	City:	State:	Zip:
Phone:	Phone:	Email:	

APPLICANT / AGENT INFORMATION			
APPLICANT / AGENT ACKNOWLEDGEMENT: By my signature below, I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval. (Please see reverse for more acknowledgements).			
Name:		Signature:	
Mailing Address:		City:	State: Zip:
Phone:	Phone:	Email:	

This application is not valid unless signatures on both the front and back of this form have been provided.

FOR OFFICE / REVIEW USE ONLY			
Application Date: 7/28/16	How Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input checked="" type="checkbox"/> Plastic	Sign Posted (Y/N)	
Reviewer: JB	Receipt #: 160299	Proof of Mailing (Y/N)	
Permit #: 7705	Permit Fees: 100	Proof of Publication (Y/N)	
File #: ZVR-2016-24011	Zoning: R-1	Board Date: 9/20	Board Action:

APPLICATION CHECKLIST	
<input type="checkbox"/>	1. A completed application with appropriate fee. Applications will not be processed unless all of the required information is provided, including the items below.
<input type="checkbox"/>	2. Applications must include that interpretation claimed, the use for which the permit is sought, and the details of the variance and the grounds on which it is claimed that the variance should be granted.
<input type="checkbox"/>	3. Scaled drawing showing the requested variance along with all relevant information, including the exceptional condition or the situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought.
<input type="checkbox"/>	4. Any additional information that conveys the exceptional hardship on the property including photos, maps, etc.
<input type="checkbox"/>	5. Section 109-42(c) of the Municipal Code requires that the applicant publish a notice in a newspaper of general circulation in the City not less than fifteen (15) days prior to the public hearing and post a sign on the property no less than seven (7) days prior to the hearing. Please see additional information contained later in this packet.

ACKNOWLEDGEMENTS	
1.	<i>Fees:</i> The fee for any appeal or application to the Board of Zoning Adjustment is non-refundable.
2.	<i>Effect of Appeals:</i> An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board of Zoning Adjustment that, by reasons of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.
3.	<i>Time Limits on Permits:</i> No order permitting the use of a building or premises, or the alteration or erection of a building, shall be valid for a period longer than 120 days. Such use must be started or established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.
4.	<i>Reconsideration:</i> If a variance request is disapproved, it shall not be reconsidered by the Board of Zoning Adjustment within one year from the date of denial of the variance request. The resubmission must meet all requirements for a variance request and shall be a different variance request.
5.	<i>Appeals from Board of Adjustment:</i> Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Zoning Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.
6.	I hereby acknowledge the legal notification requirements and Board of Zoning Adjustment hearing procedures. I also agree to follow those procedures and requirements.
Owner / Agent Signature: <u>[Signature]</u> Date: <u>7-28-16</u>	

This application is not valid unless signatures on both the front and back of this form have been provided.

The application continues on the next page.

VARIANCE REQUEST INFORMATION

Variance Requested (supply code section you wish to vary):

107-317(d)

Section 109-42(d) of the Municipal Code requires that each variance request meet each of the following criteria in order to be granted. Please attach additional sheets of paper to this application for continuations of variance request justifications.

Variance Review Criteria	Justification of Variance Request
1. Does the literal interpretation of the provisions of the Municipal Code deprive the applicant of rights commonly enjoyed by other properties in the same zoning district?	no
2. Do special conditions and circumstances exist which are peculiar to only this land, structure or building and not to others in the same zoning district?	yes *power lines are on left side of house *multiple drivers living in my home *to avoid parking in street.
3. Are special conditions and circumstances in the item above the result of any action by the applicant? If yes, do new special conditions or circumstances exist? If yes, what are they?	no
4. Does granting the variance confer any special privilege that is otherwise denied by the Municipal Code in the same zoning district?	no
5. Does granting the variance keep the spirit, general purpose, and intent of the provisions of the Municipal Code?	no
6. Is the request the minimum variance that will make possible the reasonable use of land, building or structure?	yes
7. Is the variance injurious to the neighborhood or otherwise detrimental to the public, health, safety, and welfare?	no
8. Will the granting of the variance support the obligations to comply with all other applicable statutes, ordinances, laws, or regulations?	yes

MISCELLANEOUS/ACCESSORY IMPROVEMENTS PERMIT APPLICATION



PRIMARY CONTACT:

☒ Owner

☐ Contractor

PROPERTY OWNER INFORMATION

Name: <u>Rubianne Kubio</u>		
Property Address: <u>20 Foster lane</u>		Parcel: <u>16-15295-000</u>
Lot: <u>10</u>	Block: <u>7</u>	Subdivision: <u>Hope</u>
Mailing Address: <u>20 Foster lane</u>		City: <u>Bella Vista</u> State: <u>AR</u> Zip: <u>72715</u>
Phone: <u>970-545-1699</u>	Phone:	Email: <u>puralatina23@yahoo.com</u>

Authorization of Representation:

I, the undersigned, do hereby authorize the below contractor to represent me with respect to any issues or proceedings associated with the foregoing permit application that are filed with the City of Bella Vista.

Rubianne Kubio

7-28-16

Property Owner

Date

CONTRACTOR INFORMATION

Contractor/Company Name: <u>Owner</u>		State Contractor's License #:	
Primary Contact Name:		License Expires:	
Mailing Address:		City:	State:
Primary Phone:	Phone:	Email:	

PERMIT TYPE

Type of Work:	<input checked="" type="checkbox"/> Residential (under 4 living units)	<input type="checkbox"/> Commercial (over 4 living units)
	<input type="checkbox"/> New	<input type="checkbox"/> Addition
<input type="checkbox"/> Fence Permit	Material: _____ Height: _____	\$25.00
<input checked="" type="checkbox"/> Right of Way Use	Driveway (Not permitted under a permit.)	\$10.00/\$25.00
<input type="checkbox"/> Storm Shelter	Circle Type: Basement, In-ground/Garage, Yard (Residential Only)	\$25.00
<input type="checkbox"/> Pool/Spa	Circle Type: Above ground, In-ground (Includes required barrier. Excludes permit for deck.)	\$25.00
<input type="checkbox"/> Demolition Permit for over 120 sq. ft.		\$50.00
<input type="checkbox"/> Retaining walls 30" & Above (Over 4' requires an Engineer.)		\$50.00
<input type="checkbox"/> Sea Wall		\$50.00
<input type="checkbox"/> Moving / Relocation Permit		\$100.00

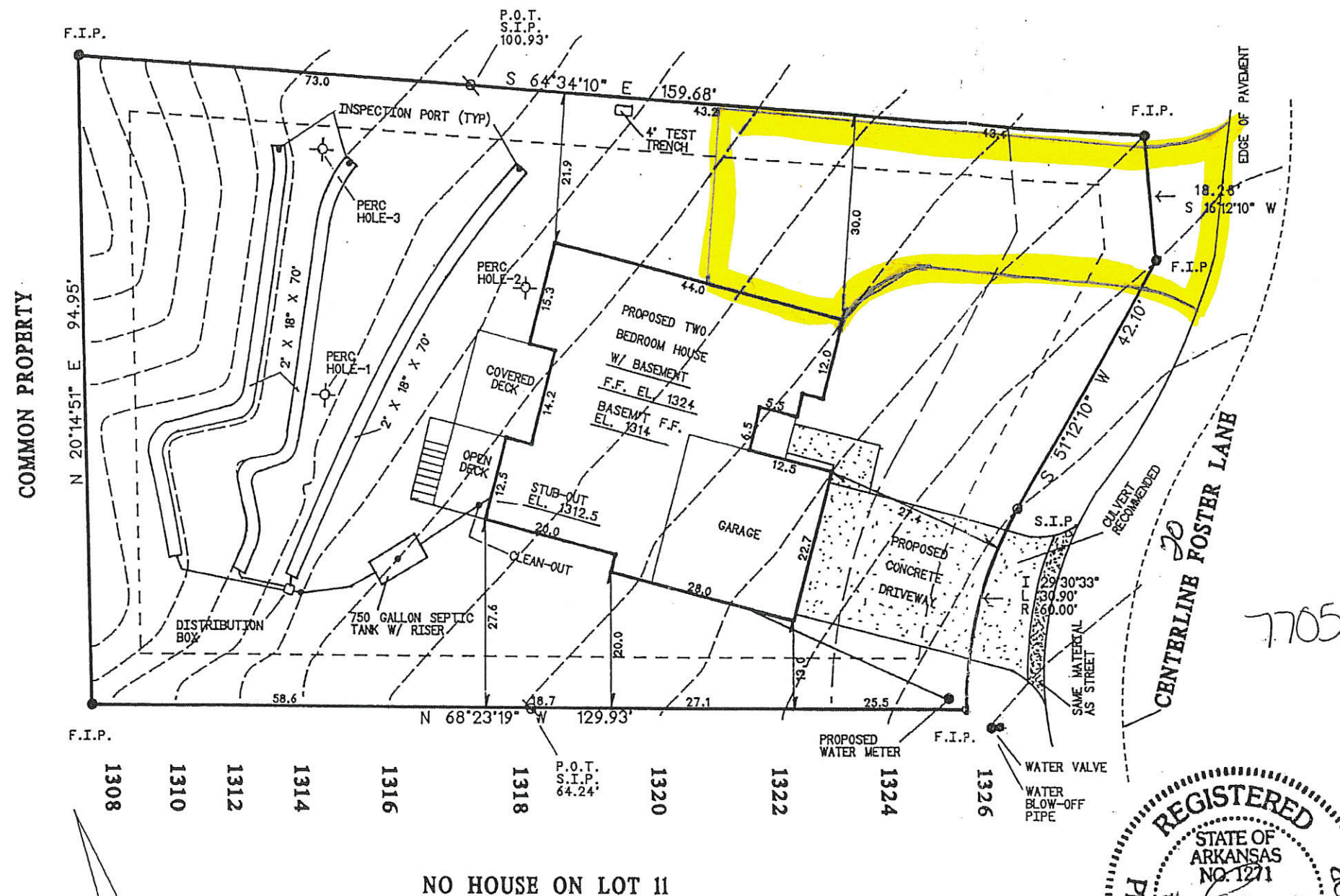
<input type="checkbox"/> Accessory Improvements. The City of Bella Vista determines the valuation of construction using the International Code Council's Building Valuation Data Table. The valuation method of calculating permit fees includes, but is not necessarily limited to, both new residential and commercial construction, additions, as well as accessory structures including workshops, storage buildings, decks, ramps, stairs, roof over decks or porches, screened decks converted to sunrooms, carports, pergolas, gazebos, conversion of carports to garages, covered and open docks, boathouses or enclosure thereof. Please ask Staff to determine if your project will be calculated using the valuation method. The valuation table is published every six months to provide an up-to-date average construction cost per square foot based on Occupancy and Construction Type. A copy of the table is available from the Building Division office or at the ICC's website at www.iccsafe.org . After valuation is determined, see the permit fee schedule to calculate permit fees. Description of Work: _____	Fee is based on ICC Valuation

FOR OFFICE / REVIEW USE ONLY

Application Date: <u>7/28</u>	File # <u>7705</u>	Total Fees: <u>25.00</u>
Reviewer: <u>JB</u>	# Inspections Required: <u>1</u>	Date Paid:
Approval Date:	Act 474 Surcharge: <u>0</u>	Paid By: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit
Permit # <u>ROW-2016-24011</u>	Permit Fees: <u>25.00</u>	Check #:
Zoning: <u>R-1</u>	Floodplain: Y / <u>(N)</u>	Receipt #

2nd Driveway

NO HOUSE ON LOT 9



SEWAGE DISPOSAL SYSTEM NOTES:

MAXIMUM SOIL ABSORPTION TRENCH DEPTH = 18"

EACH SOIL ABSORPTION TRENCH MUST BE INSTALLED ON CONTOUR AS DESIGNED AND MUST NOT BE ALTERED TO AVOID EXISTING TREES OR PROPOSED LANDSCAPING, ETC.

MINIMUM SOIL COVER OVER TRENCH GRAVEL = 6"

RECOMMEND TOPSOIL COVER AND GRASS SEEDING.

EXCAVATE EACH TRENCH BY BACKHOE TO PREVENT COMPACTION OF TRENCH BOTTOM.

FINAL GRADING OVER THE ABSORPTION AREA SHALL BE SUCH TO DRAIN ALL SURFACE WATER OFF OF AND AWAY FROM THE SEPTIC SYSTEM.

THE ON-SITE SEWAGE DISPOSAL SYSTEM IS DESIGNED FOR A TWO BEDROOM HOUSE.

GARBAGE DISPOSALS ARE NOT RECOMMENDED FOR SEPTIC SYSTEMS.

IF A DIVERSION VALVE IS SHOWN, IT IS DESIGNED TO BE TURNED EVERY 6 MONTHS, BY THE OWNER.

HOUSE GUTTERING SHOULD BE IN SUCH A MANNER TO CARRY THE HOUSE RUNOFF WATER AROUND AND/ OR AWAY FROM THE INDIVIDUAL DISPOSAL SYSTEM.

NOTICE: THIS IS ONLY A PLAN AND DOES NOT NECESSARILY REFLECT THE ACTUAL SIZE, SHAPE OR LOCATION OF ANY IMPROVEMENTS WHICH MAY BE CONSTRUCTED ON THIS LOT.

NOTICE: VERIFY ACTUAL HOUSE DIMENSIONS PRIOR TO ANY LAYOUTS OR CONSTRUCTION WORK.

THE PERC TEST AND SEPTIC SYSTEM DESIGN WAS DONE BY BUCHANAN SERVICES, INC.

LEGEND

- 7.5' UTILITY AND DRAINAGE EASEMENT
- 20' BUILDING SETBACK LINE
- △ ASSUMED ELEVATION 1320
- WATER SOURCE
- FOUND IRON PIN (F.I.P.)
- SET IRON PIN (S.I.P.)
- POINT ON TANGENT (P.O.T.)
- PERC TEST HOLE
- 4" TEST TRENCH

SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT ON THE 2ND DAY OF MARCH, 2000, I HAVE THIS DAY COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT.

ROBERT W. WALLACE P.L.S. 1271

THE INDIVIDUAL SEWAGE DISPOSAL SYSTEM HAS BEEN APPROVED FOR CONSTRUCTION AS SHOWN. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE THAT THE SYSTEM WILL FUNCTION PROPERLY.

3-10-00
DATE

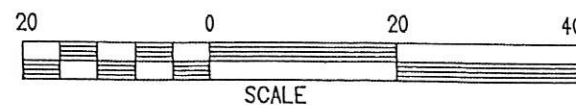


PLOT PLAN

LOT 10, BLOCK 7 HOPEMAN SUBDIVISION

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: BC
DATE: 3-2-00		REVISED:
WALLACE LAND SURVEYING 14172 DARTMOOR DRIVE BENTONVILLE, AR 72712 (501) 855-3100		
BUILDER: O.A.K. HOME BUILDERS 916 NW 7TH ST. PO BOX 50 BENTONVILLE, AR		DRAWING NUMBER: B07099

PERC TEST HOLE NO.	PERCOLATION RATE MIN/ INCH
1	24
2	20
3	15
DESIGN	20
SQ. FT. PER BEDROOM	210





BELLA VISTA
A place to call home

DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES

616 WEST LANCASHIRE BOULEVARD

BELLA VISTA, AR 72715

PHONE: (479) 268-4980

DATE: SEPTEMBER 20, 2016

TO: BOARD OF ZONING ADJUSTMENT; APPLICANTS

RE: **ZVR-2016-24011** FOR SECOND DRIVEWAY

PARCEL 16-15295-000

RESOLUTION 2016-001

WHEREAS, the Bella Vista Board of Zoning Adjustment is duly appointed to resolve disputes arising out of the enforcement of the Zoning Code; and

WHEREAS, a variance has been properly filed and brought to the attention of the Board; and

WHEREAS, a public hearing was held on September 20, 2016, to consider the aforementioned variance; and

WHEREAS, the Board fully deliberated this matter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENT that
in the manner of

ZVR-2016-24011

Section 1: The Board reviewed the following evidence with regard to this petition:

- A. A copy of the variance application submitted on July 28, 2016, with applicants' justification for the variance at 20 Foster Lane; Bella Vista, AR 72715.
- B. A copy of the Staff Report provided to the Board of Zoning Adjustment members at the meeting on September 20, 2016.
- C. A copy of the applicant's plan for where and how the second driveway would be situated if approved by the Board.
- D. A copy of the Code Enforcement case history that describes the reason for the request of a second driveway.

Section 2: The Board makes the following findings of fact and conclusions of law:

- A. The applicants request a variance of Municipal Code Part II Chapter 107 Article XI Section 317(d), which states that the number of access drives permitted requires:
 1. 150 feet or less street frontage for the first driveway; and
 2. 150 to 600 feet of street frontage for a second driveway.
- B. Under the provisions of Municipal Code §109-42(d), the Board determines the following:
 1. Will the applicants be deprived of rights commonly enjoyed by other properties in the same zoning district based on the literal interpretation of the provisions and terms of the Code?

☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

2. Do the applicants have special conditions and/or circumstances which are peculiar to only this land, structure or building involved which are not applicable to others in the same zoning district? ☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

3. A. Have the applicants demonstrated that no special conditions and circumstances have resulted from their actions? ☐ Yes; Skip Part B ☐ No

Reasoning and weight of evidence from Board deliberation:

- B. If NO to 3A, does the proposed request (solution) meet the intent and requirements of the Code? ☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

4. Have the applicants shown that granting the variance will support their obligations to comply with all other applicable covenants, restriction, statues, ordinances, laws, or regulations? ☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

5. Have the applicants shown that granting the variance request does not confer on them any special privilege that is otherwise denied by the Code to others in the same zoning district? ☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

6. Have the applicants shown that the variance requested is the minimum (quantity) that will make possible the reasonable use of land, building or structure? ☐ Yes ☐ No

ZVR-2016-24011
RESOLUTION 2016-001

Reasoning and weight of evidence from Board deliberation:

7. Have the applicants shown that the granting of the variance will be in harmony with the spirit, general purpose and intent of the Code? ☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

8. Will the granting of the variance be injurious to the neighborhood or otherwise detrimental to the public's health, safety, or welfare? ☐ Yes ☐ No

Reasoning and weight of evidence from Board deliberation:

Section 3: On the basis of the above findings of fact and conclusions of law, as well as the record in this matter, the Board hereby orders the following:

The variance is hereby ☐ Denied;
☐ Approved; or
☐ Approved with the conditions below:

- ---
- ---
- ---
- ---
- ---
- ---
- ---

- A. Appeals. Under Municipal Code §109-42(g), any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Zoning Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

- B. Reconsideration. Per Municipal Code §109-42(h) if a variance request is disapproved, it shall not be reconsidered by the Board of Zoning Adjustment within one year from the date of denial of the variance request. The resubmission must meet all requirements for a variance request and shall be a different variance request.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2016.

APPROVED: _____

Mr. Robert Walker, Chairman

Board of Adjustment

ATTEST: _____

Ms. Linda Lloyd, Vice-Chairman and Secretary

Board of Adjustment